

Report of Policy and Plans

Report to Chief Planning Officer

Date: 17th October 2017

Subject: Response to Pre-Submission Draft Otley Neighbourhood Plan

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): Otley	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1.0 Summary of main issues

- 1.1 This report highlights the Council's response to the pre-submission draft Otley Neighbourhood Plan which is currently being consulted on by Otley Town Council and is available for viewing and comments by those who live, work or carry out business in the Otley Neighbourhood Area.
- 1.2 The Council has prepared a formal response to the contents of the draft plan under the following headings:
- Timing/risks – the Council will continue to work collaboratively with Otley Town Council to mitigate risks arising from the timing of the Neighbourhood Plan preparation and the preparation of the Local Plan.
 - Basic Conditions – the neighbourhood plan will be assessed against the Basic Conditions at examination.
 - Planning Policies – more detailed comments on each policy in the draft plan with observations and suggestions for consideration.
 - Comments on other parts of the plan and general comments – more general comments.
- 1.3 The response will be sent to Otley Town Council and the Neighbourhood Plan Steering Group may wish to discuss the contents in due course. The Town Council is under no obligation to take the Council's comments and suggestions on board.

2.0 Recommendations

2.1 It is recommended that:

- The Chief Planning Officer approves the City Council's formal response to the Pre-Submission Draft Otley Neighbourhood Plan.

3.0 Purpose of this report

3.1 This report recommends the Chief Planning Officer to authorise the Council's comments on the Pre-Submission Draft Otley Neighbourhood Plan.

4.0 Background information

4.1 The Localism Act 2011 gives local communities a new 'right' to prepare a neighbourhood plan which could decide where new development takes place, what it looks like and also include other issues that are locally important. These plans can be simple single-policy plans or they can be multi-policy and more complex if that is what the community wishes. However, they must follow the following 'basic conditions':

- Be in general conformity with local planning policy (the Core Strategy, Site Allocations Plan)
- have appropriate regard to national policy (the National Planning Policy Framework)
- contribute to the achievement of sustainable development
- Be compatible with human rights requirements
- Be compatible with EU obligations

4.2 The plan will be subject to an independent examination and tested against the 'basic conditions'. Non-planning matters will not be examined although their contribution to achieving sustainable development may be referred to.

4.3 Otley Town Council applied for the designation of the Parish of Otley as the Otley Neighbourhood Area and was duly designated by the Council on 23rd May 2013. If an area is a parish, it is considered appropriate for the all of the parish to become a Neighbourhood Area. Part of the Otley Neighbourhood Area lies within the borough of Harrogate. Throughout the Plan preparation process, there has been continued co-operation between both Leeds City Council and Harrogate Borough Council on supporting the Plan preparation process.

5.0 Main issues

5.1 The City Council's response is divided under 4 main considerations:

- Timing/risks – there is increased risk and uncertainty when progressing a neighbourhood plan in the absence of a complete, up-to-date adopted Local Plan. The Leeds Core Strategy was adopted in November 2014 and the Site Allocations Plan was submitted to the Secretary of State on 5th May 2017. There is a continued risk that if the SAP is adopted after the Neighbourhood Plan is made, elements of the Neighbourhood Plan may be superseded.

- Basic Conditions – neighbourhood plans are assessed against the Basic Conditions at examination. The Council makes comments in relation to the need for a Strategic Environmental Assessment screening report. The Council conducted an SEA Screening exercise which concluded that an SEA for the draft Otley Neighbourhood Plan is **not** required.
- Planning Policies – the Council makes a number of detailed comments on individual policies and suggests further work and changes to wording.
- The overall plan and general comments – the Council makes a few general comments.

5.2 Overall it is considered that the draft plan is in general conformity with national guidance and the strategic policies of the Core Strategy however there a small number of areas where Policies could be more locally-specific than existing strategic policies. These instances are highlighted in the comments.

5.3 The Council has also made several recommendations to the Town Council to improve clarity and provide further evidence; these again are set out in the comments.

5.4 There are instances in the draft Plan where the draft Policies refer to sites where the situation has changed. For example, the Ashfield Works site in Otley. These site-specific comments are highlighted in the response.

6.0 Corporate Considerations

6.1 Once the Plan is made, the Otley Neighbourhood Plan will be part of the statutory development plan for Leeds. It will also promote a number of projects, some of which may involve the Council in their delivery.

7.0 Consultation and Engagement

7.1 The Otley Neighbourhood Plan group and Otley Town Council has undertaken extensive and wide engagement with the residents and businesses of Otley as well as statutory bodies and other external organisations, this includes Harrogate Borough Council.

7.2 A number of Council Officers mainly within the City Development Department but officers from other Directorates have also contributed to the formal response. The Environment Agency, Historic England and Natural England have been formally consulted by the Council in relation to the potential requirement for an environmental impact assessment. The screening report has been sent to the Town Council.

7.3 Ward members have been consulted as part of the preparation of the Neighbourhood Plan. They have also been provided with the Council's formal response to the Pre-Submission draft Plan for their consideration.

8.0 Equality and Diversity / Cohesion and Integration

8.1 The Government has undertaken an Equalities Impact Assessment of the Localism Act in relation to neighbourhood planning (2011). The Council views the

neighbourhood planning process as an opportunity to deliver equality, diversity, cohesion and integration objectives.

9.0 Council policies and City Priorities

9.1 Neighbourhood plans link well to all three of the Council's corporate priorities set out in the Vision for Leeds:

- Leeds will be fair, open and welcoming (neighbourhood plans must not breach, and be otherwise compatible with, EU obligations and be compatible with human rights requirements);
- Leeds' economy will be prosperous and sustainable (the making of the neighbourhood plan must contribute to the achievement of sustainable development);
- All Leeds' communities will be successful (the making of the neighbourhood plan must be in general conformity with the strategic policies contained in the development plan for Leeds, a significant part of which is planning for growth).

10.0 Resources and value for money

10.1 The Department of Communities and Local Government will provide £5,000 to the Local Planning Authority for the first five neighbourhood area designations made and a further £5,000 for the first five neighbourhood forum designations, to assist with costs. It will also provide a further £20,000 once a date has been set for a referendum following a successful examination. The City Council has now claimed the maximum amount available for area and forum designations and will continue to claim on arrangement of referenda.

11.0 Legal Implications, Access to Information and Call In

11.1 Neighbourhood planning is taking place within a new and fast-changing national planning background which is focussed on economic growth, localism and sustainability meaning testing times for local decision-making.

11.2 A number of neighbourhood plans being prepared by local communities will be proceeding to examination and subsequent referendum over the next 12 months.

12.0 Risk Management

12.1 The examination and referendum process introduces risks in the neighbourhood planning system where the outcome will be dependent on the examiner's recommendations and a public vote. There is also the possibility of judicial review. The Council will seek to manage this risk by working closely with designated areas to ensure that their neighbourhood plans complete the independent examination successfully. The Council will continue to encourage Neighbourhood Planning groups to consult and engage as widely as possible in the plan making process which should, in turn, reduce the risk of a legal challenge.

13.0 Conclusions

13.1 The formal pre-submission response sets out the positive aspects of the Plan as well as the Council's observations and suggestions on areas that it considers would benefit from further work. It will be for the Town Council to consider all comments made by the Council and others and make appropriate changes to the document prior to submission for examination.

14.0 Recommendations

14.1 It is recommended that:

- The Chief Planning Officer approves the City Council's formal response to the Pre-Submission Draft Otley Neighbourhood Plan.

15.0 Background Documents¹

15.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.